IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 30120 of 2007(I)

PETITIONER:

K.S. RAVEENDRAN NAIR,
S/O. LATE SANKARAN PILLAI, UPASANA,UPPOODU MURI,
EAST KALLADA P.O., KOLLAM DISTRICT.

BY ADV. SRI.M.V.THAMBAN

RESPONDENTS:

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1. M. VALSALA DEVI,
D/O. LATE SANKARA PILLAI, THUNDIL VEEDU,
UPPOODUMURI, EAST KALLADA, KOLLAM DISTRICT.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

3. THE DISTRICT EDUCATIONAL OFFICER, KOLLAM

4. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT
DEPARTMENT OF GENERAL EDUCATION,GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

5. SMT. SAITHA MURAL T.,
LPSA, MM HIGH SCHOOL, UPPOODU, EAST KALLADA P.O.,
KOLLAM DISTRICT.

BY GOVERNMENT PLEADER SRI. A.J. VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)No. 30120 OF 2007

Dated this the 10th day of October, 2007

JUDGMENT

The petitioner claims to be one of the persons entitled to be a member of the managing committee of an aided School. Formerly, there was a dispute between the petitioner and the 1st respondent regarding the entitlement to be the manager of the School. At a time when 1st respondent was functioning as the approved manager of the School she appointed the 5th respondent as a L.P. School Assistant in the school. In respect of the approval of the appointment of the 5th respondent, the petitioner objected and the same was considered in Ext.P11 and by that order the Additional Director of Public Instructions (General) directed the District Educational Officer to take a decision for approval of the 5th respondent as L.P.S.A., if it is otherwise in order. The petitioner is challenging Exty.P11 to the extent it directs the D.E.O. to take a decision for approval of the appointment of the 5th respondent.

2. The contention of the petitioner is that there are 51A

claimants who are entitled to preferential appointment in preference to the 5th respondent which has not been considered by the Additional Director of Public Instructions while issuing Ext.P11. The petitioner also submits that the approval of the 1st respondent as manger was set aside in Ext.P11itself.

I do not think that the petitioner can challenge the same. Admittedly, the appointment was made by the approved manager namely, the 1st respondent. That is not disputed by the petitioner also. The fact that the appointment of the 1st respondent was later set aside does not in any way change the situation in so far as the appointment was made at a time when the 1st respondent was the approved manager. In so far as the the appointment was made by an approved manager, the question of approval of the appointment of the 5th respondent has to be considered by the educational authorities not withstanding such cancellation of approval. The question as to whether there are Rule 51A claimants or not is the look out of such claimants and the educational authorities. The petitioner who is not an approved manager has no locus standi in the matter. Evidently the petitioner has filed this writ

petition to settle scores with the 1st respondent, who is his younger sister because of internal disputes among the members of the educational agency. Therefore, I am not inclined to entertain this writ petition at the instance of the petitioner and accordingly the same is dismissed.

S. SIRI JAGAN, JUDGE

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